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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,242	07/09/2003	Yee Tak Kwong	402711	8342

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EXAMINER

FISHMAN, MARINA

ART UNIT	PAPER NUMBER
2832	

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/615,242	<b>Applicant(s)</b> KWONG, YEE TAK	
	<b>Examiner</b> Marina Fishman	<b>Art Unit</b> 2832	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *General Status*

1. This is a First Action on the Merits. Claims 1 - 14 are pending in the case and are being examined.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7 – 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 7, lines 2 and 3, terms “is relatively more electrically conductive” and “is relatively resiliently stronger” are relative terms which render the claim indefinite.

5. Claim 9, lines 2 and 3, terms “two levers turn generally through an angle of 90°” and “a relatively wide bent” are relative terms which render the claim indefinite.

Applicant should clarify what is meant by “two levers **turn** generally through an angle of 90°” and “a relatively wide bent”. For the purpose of examination Examiner has interprets above limitations in view of specification (pages 7 and 8, lines 20 +).

6. Claim 10, line 5, it is unclear what Applicant meant by “a plurality of **stable** position for the actuator”.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 – 8, 9 -12 and 14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Howe [US 3,670, 121].

Howe discloses an electrical switch comprising:

- a housing [1];
- at least one fixed contact [2] and a moving contact assembly [6 – 9] provided in the housing:
- an actuator supported for movement to move the contact assembly into contact with and out of contact from the fixed contact, wherein the actuator comprises a rocker [11, Figures 1, 5-7];
- the contact assembly comprises at least one pair of pivotable levers [6 and 9, 7];
- a first lever [6, 9] arranged to make or break contact with the fixed contact, the first lever more conductive;
- a second lever [7] pivotable by the actuator to in turn pivot the first lever into contact with the fixed contact; the second lever is mounted on the first lever [6];

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- an additional pivotable lever [15] that is pivotable by the actuator [11] and having co-operable parts with actuator [13,14,17,17a].

9. Claims 1 – 6, 9 and 14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Chien [US 6,005,210].

Chien discloses an electrical switch comprising:

- a housing [30];
- at least one fixed contact [41,42] and a moving contact assembly [40] provided in the housing;
- an actuator supported for movement to move the contact assembly into contact with and out of contact from the fixed contact, wherein the actuator comprises a rocker [50, Figures 10 - 12];
- the contact assembly comprises at least one pair of pivotable levers [Figure 4];
- a first lever [43] arranged to make or break contact with the fixed contact;
- a second lever pivotable by the actuator to in turn pivot the first lever into contact with the fixed contact; the second lever is mounted on the first lever [Figures 10 and 11].

***Allowable Subject Matter***

10. Claim 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Aimi et al. [US 5,796,058], Spedale [US 6,066,815], Chen [US 6,323,450], Hirschfeld [US 6,046, 414], Long [US 3,674, 966] all disclose switch assemblies. Applicant also should consider these references in response to this office action. Should issue arise concerning the rejection presented above, these references may be relied upon in a subsequent action to support the lack of novelty or obviousness of claimed subject matter to one of ordinary skill in the art.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman  
March 10, 2004



LINCOLN DONOVAN  
PRIMARY EXAMINER  
GROUP 2100